

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ORDER

On October 9, 2014, the United States Magistrate Judge's Recommendation was filed and on November 4, 2014, notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 5 and 8.) Plaintiff filed a response to the Recommendation and asked the court to dismiss the case. (Doc. 9.)

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that this action be, and is hereby, dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 20th day of January, 2015.

William L. Osten, Jr.

United States District Judge